

March 25, 2018

VIA ECF

The Honorable Steven M. Gold
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East, Courtroom 13-D
Brooklyn, NY 11201

Re: Motion For Leave To Withdraw as Counsel for Plaintiff in the matter of *Preston v. City of New York, et al.*, Case No.: 17-CV-6498 (NG) (SMG)

Your Honor:

I, Joe Stancati, Esq., write pursuant to Local Civil Rule 1.4 to request leave from the Court to withdraw as counsel for Plaintiff Princess Preston.

Rule 1.16(c)(7) of the New York Rules of Professional Conduct states that an attorney may withdraw as counsel for a client when “the client fails to cooperate in the representation or otherwise renders the representation unreasonably difficult for the lawyer to carry out employment effectively.”

On February 9, 2018, I requested of Plaintiff that she come to my office to sign the requisite § 160.50 release so that Defendants could answer her Complaint and her case could proceed. Since then, I made two addition requests of Plaintiff to do the same. In reply, Plaintiff has either told me that she was too busy to do so or told me that she was unable to make our scheduled appointment. I last reached out to Plaintiff on March 2, 2018, and Plaintiff has not replied.

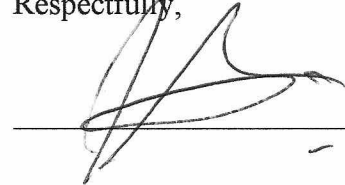
In refusing to communicate with me and failing to come to my office to sign the requisite § 160.50 release, Plaintiff has failed to cooperate in my representation of her and rendered said representation “unreasonably difficult,” if not impossible. Plaintiff’s disrespect toward me evinced by this refusal and failure independently renders my representation of her “unreasonably difficult.”

Section 475 of the New York Judiciary Law in pertinent part states: “[f]rom the commencement of an action, . . . the attorney who appears for a party has a lien upon his or her client’s cause of action, claim or counterclaim, which attaches to a verdict, report, determination, decision, award, settlement, judgment or final order in his or her client’s favor The court upon the petition of the client or attorney may determine and enforce the lien.” Thus, I have a charging lien on this action.

I respectfully request that the Court grant my request for leave to withdraw as Plaintiff’s counsel. I would guess that the Court will choose to hold a hearing with Plaintiff’s presence required on this motion.

Service of this letter-motion will be effected upon Plaintiff by certified mail as soon as possible, and proof of such service will be filed with the Court. The letter-motion will be emailed to her immediately after it has been filed.

Respectfully,

A handwritten signature in black ink, appearing to be 'Joe Stancati', is written over a horizontal line.

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